

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re) Chapter 7
) Case No. 16-08355
James Turnell,)
) Honorable Donald R. Cassling
) (Geneva)
Debtor.) Hearing Date: January 20, 2017
) Hearing Time: 11:00 a.m.

COVER SHEET FOR APPLICATION FOR
PROFESSIONAL COMPENSATION

Name of Applicant: Elizabeth C. Berg, Trustee

Authorized to Provide
Professional Services to: Estate

Date of Order Authorizing
Employment: March 10, 2016

Period for Which
Compensation is sought: March 10, 2016 to Close of Case

Amount of Fees sought: \$2,410.00

Amount of Expense
Reimbursement sought: \$281.87

This is an: Interim Application ☐ Final Application ☒

If this is not the first application filed herein by this professional, disclose as to all prior fee applications:

<u>Date Filed</u>	<u>Period Covered</u>	<u>Total Requested (Fees & Expenses)</u>	<u>Total Allowed</u>
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The aggregate amount of fees and expenses paid to the Applicant to date for services rendered and expenses incurred herein is: \$0.00.

Dated: November 28, 2016

Elizabeth C. Berg, Trustee of the Estate of
James Turnell, Debtor

By: /s/Elizabeth C. Berg, Trustee
Elizabeth C. Berg, Trustee

UNITED STATES BANKRUPTCY COURT
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)	Case No. 16-08355
James Turnell,)	Honorable Donald R. Cassling
)	(Geneva)
Debtor.)	Hearing Date: January 20, 2017
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**Application for Allowance and Payment of Final Compensation
And Expense Reimbursement of Elizabeth C. Berg, as Trustee**

Elizabeth C. Berg, not personally but solely as trustee ("Trustee") of the estate ("Estate") of James Turnell, debtor ("Debtor"), pursuant to sections 326 and 330 of title 11, United States Code ("Code"), requests this Court to enter an order allowing and authorizing payment to Trustee of (1) \$2,410.00 as final compensation for services rendered as trustee in this case from March 10, 2016 through the close of this case; and 2) \$281.87 for reimbursement of actual expenses incurred during the same period. In support thereof, Trustee states as follows:

Introduction

1. The Debtor commenced this case on March 10, 2016 ("Petition Date") by filing a voluntary petition for relief under chapter 7 of the Code.
2. Elizabeth C. Berg is the duly appointed, qualified and acting chapter 7 trustee in this case.
3. As of the commencement of this case, the Estate held an interest in the Debtor's 2011 Cadillac CTS and Debtor was involved in certain District Court Litigation with his former employer relating to non-compete clauses in Debtor's employment agreement.
4. The bar date for filing non-governmental claims in this case was July 29, 2016 and the bar date for filing governmental claims was September 6, 2016.

Prior Compensation and Expense Reimbursement

5. This is the first and final application ("Application") for allowance of compensation filed by Trustee in this case.

6. Trustee has not previously received or been promised any payments for services rendered or to be rendered or expenses incurred in this case.

Services Rendered by Trustee

7. Since her appointment in this case, Trustee has performed actual, necessary and valuable services on behalf of the Estate. Itemized billing statements describing the Trustee's services from the date of appointment through the close of the case are attached hereto as Exhibit A. The services rendered by Trustee since her appointment in this case include but are not limited to the following:

A. Trustee reviewed and analyzed the Debtor's Schedules of Assets and Liabilities; the Debtor's Statements of Financial Affairs; and conducted an examination of the Debtor pursuant to Section 341 of the Code;

B. Trustee research and analyzed the value of Debtor's residence and a potential sale of the property. Trustee determined there wasn't sufficient equity for her to sell the property. Trustee obtained a CarMax appraisal of the Debtor's 2011 Cadillac CTS ("Vehicle") and directed her attorneys to obtain court authority to sell the Vehicle to CarMax. Pursuant to this Court's order dated June 17, 2016, the Trustee recovered gross proceeds of \$19,000.00 from the sale of the Vehicle to CarMax. Thereafter, Trustee paid Debtor the value of his claimed exemption in the Vehicle. Trustee also reviewed the pleadings and monitored the status of the Litigation pending in Federal District Court by and between Debtor and his former employer Centimark;

C. Trustee invested and accounted for all funds received by the Estate and set up and maintained all bank accounts for the Estate;

D. Trustee set up and maintained a computerized case management system for the Estate in order to efficiently keep track of records relating to the Estate's case history, assets, claims and banking activities;

E. Trustee examined, analyzed and verified proofs of claim filed against the Estate including the validity of a claim filed against the Estate; and

F. Trustee otherwise administered this Estate and directed the allocation, liquidation and distribution of assets to creditors herein.

Funds Collected and Disbursed by Trustee

8. Trustee has collected the sum of \$19,000.00 on behalf of the Estate. Trustee has made \$2,448.16 in disbursements in this case as of the date hereof.

9. Copies of the *Form 1 Individual Estate Property Record and Report* and *Form 2 Cash and Receipts Record* showing the disposition of the assets of this Estate are attached to the Trustee's Final Report, filed simultaneously herewith, as Exhibits A and B, respectively.

Compensation Requested

10. During the period covered by this Application, Trustee spent 23.10 hours rendering services on behalf of this Estate with a value of \$6,258.50. Trustee estimates that she will spend an additional three hours rendering services with a value of \$675.00 to obtain approval of the final report, make a final distribution to creditors and prepare and file her final account.

11 The maximum compensation allowable to Trustee pursuant to section 326 of the Code, based upon the receipts and disbursements listed above, is \$2,410.00 as follows:

25% of the first \$5,000.00	\$1,250.00
10% of the next \$11,600.00	<u>\$1,160.00</u>
Total allowable compensation	\$2,410.00

12. Based upon the caliber of the services rendered by Trustee, Trustee requests allowance and payment of final compensation for her services rendered as trustee from the time

of her appointment through the closing of this case in the amount of \$2,410.00. This amount represents reasonable compensation for the services rendered by Trustee and is equal to the maximum compensation allowable as set forth in paragraph 11 above.

Request for Reimbursement of Expenses

13. In connection with the services rendered herein, Trustee has incurred actual and necessary expenses in the amount of \$281.87 for which she requests reimbursement. The expenses incurred were on account of the costs and service for the Trustee's Motion and Notice to Sell Debtor's Vehicle. Furthermore, Trustee incurred costs for the filing of the Motion to Sell Debtor's Vehicle and title fees for the sale of the Vehicle. An itemization of the actual expenses is included within the billing statement attached hereto as Exhibit A.

14. After payment of the Estate's administrative expenses, as requested, Trustee anticipates that there will only be funds available to make a distribution to the Internal Revenue Service who holds a valid governmental claim.

15. An affidavit pursuant to Rule 2016 of the Federal Rules of Bankruptcy Procedure, executed by Elizabeth C. Berg, as trustee, is attached hereto as Exhibit B.

16. Trustee requests that the compensation requested herein be paid from the Estate funds in her possession.

Status of the Case

17. The Trustee has liquidated or abandoned (or sought to abandon) all of the assets belonging to this Estate and completed her review and analysis of the claims filed against the Estate.

18. Trustee has completed and filed her Final Report simultaneously herewith.

WHEREFORE, Elizabeth C. Berg, as trustee of the Estate of James Turnell, Debtor requests the entry of an order providing the following:

- A. Allowing to Trustee final compensation in the amount of \$2,410.00 for actual and necessary professional services rendered and to be rendered on behalf of this Estate from March 10, 2016 through the closing of this case;
- B. Allowing to Trustee reimbursement of expenses in the amount of \$281.87 for actual and necessary expenses incurred in the performance of services rendered to the Trustee in this case;
- C. Authorizing the Trustee to pay the amount awarded from the Estate funds held by the Trustee as part of her final distribution in this case;
- D. For such other and further relief as this Court deems appropriate.

Dated: November 7, 2016

Elizabeth C. Berg, as trustee of the estate of
James Turnell, debtor

By: /s/ Elizabeth C. Berg, as Trustee
Elizabeth C. Berg

Elizabeth C. Berg
20 N. Clark St., Suite 200
Chicago, IL 60602
(312) 726-8150

Trustee's Final Fee Application

James Turnell, Debtor
Case No. 16-08355

Trustee's Itemized Billing Statements

Exhibit A

Baldi Berg, Ltd.
20 N. Clark Street
Suite 200
Chicago, IL 60602

Phone: (312) 726-8150

Fax: (312) 470-6323

FEIN: 36-4352753

Invoice submitted to:

November 7, 2016

Invoice No: 02757

Elizabeth C. Berg, Trustee
 Baldi Berg, Ltd.
 20 N. Clark Street
 Suite 200
 Chicago, ILLINOIS 60602

In Reference to: *Turnell - Trustee Matters***Professional Services**

<u>Date</u>	<u>Staff</u>	<u>Description</u>	<u>Hours</u>	<u>Charges</u>
3/10/2016	ECB	Re: James Turnell - Initial TC with debtor's counsel Rich Larsen regarding case background, dispute with former employer Centimark and other potential assets (.3) Preliminary review of schedules (.2) Review district court case docket (.3)	0.60 \$325.00/ hr	\$195.00
3/14/2016	ECB	Preliminary review of debtor's 2014 tax return and paystubs	0.30 \$325.00/ hr	\$97.50
4/04/2016	ECB	Prepare for (.8) and conduct (.5) 341 first meeting of CRs	1.30 \$325.00/ hr	\$422.50
4/06/2016	ECB	Correspondence to real estate broker requesting comparables and suggested listing and sale price	0.20 \$325.00/ hr	\$65.00
4/08/2016	ECB	TC with realtor M. Treviso re BPO on debtor's residence	0.10 \$325.00/ hr	\$32.50
4/15/2016	ECB	Review and approve for filing TR Motion to Hire Counsel	0.10 \$325.00/ hr	\$32.50
4/15/2016	ECB	Set up TR database for new case and import dox from court website	0.20 \$325.00/ hr	\$65.00

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4/15/2016	ECB	Review and respond to correspondence from J. Pcolinski (.1)	0.10 \$325.00/ hr	\$32.50
4/19/2016	ECB	Review schedules and notes from 341 meeting and prep indepth memo to file re same (2.0) Review JAB memo re history and status of Centimark litigation (.2) Memo to JDL re case history and coverage of court on 4-22-16 (.2)	2.40 \$325.00/ hr	\$780.00
4/21/2016	ECB	Review schedules for potential joint debt to defeat tenancy by entirety (.2) TC to R. Larsen re same (.2)	0.40 \$325.00/ hr	\$130.00
4/25/2016	ECB	Correspondence to D's counsel re additional dox requested	0.20 \$325.00/ hr	\$65.00
4/27/2016	JMM	File Asset Report	0.10 \$185.00/ hr	\$18.50
5/05/2016	ECB	TC with Debtor's counsel R. Larsen re appraisal and disposition of Cadillac	0.10 \$325.00/ hr	\$32.50
5/13/2016	ECB	Review Debtor's response to Centimark's 362 motion	0.30 \$325.00/ hr	\$97.50
5/18/2016	ECB	TC to R. Larsen regarding turnover of car title and motion to sell (.1) Email to follow-up on same (.2) Memo to staff re prep of motion to sell and arrangements for sale at CarMax (.1)	0.40 \$325.00/ hr	\$130.00
5/19/2016	ECB	Review and respond to correspondence from RKP re prep of motion to sell auto and arrangement of logistics for same	0.20 \$325.00/ hr	\$65.00
5/24/2016	ECB	Confer with RKP and review Motion to Sell Car	0.30 \$325.00/ hr	\$97.50
6/02/2016	ECB	Review Debtor's sur-reply on Centimark Motion to Lift Stay (.1) Confirm entry in chambers on TR motion to	0.30 \$325.00/ hr	\$97.50

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		extend time to object to exemptions (.1) Memo to staff re auto title (.1)		
6/13/2016	ECB	Review Centimark motion to vacate discharge	0.10 \$325.00/ hr	\$32.50
6/14/2016	ECB	Confer with RKP and JDL to confirm details for sale approval and arrangements to meet D at Carmax for sale of vehicle (.2) Preliminary review of documents produced by Debtor (2) Memo to staff re processing same (.1)	0.50 \$325.00/ hr	\$162.50
6/16/2016	ECB	Confer with counsel re instructions for entry of sale order on docket (.1) Confer with RKP to confirm meeting with Debtor at Carmax (.1) Compile paperwork for same (.3) Corres to Jim Turnell and other parties re same (.2)	0.70 \$325.00/ hr	\$227.50
6/20/2016	ECB	Travel to and from Naperville Carmax, meet debtor and conduct sale of 2011 Cadillacs	2.20 \$325.00/ hr	\$715.00
6/21/2016	JMM	Request EIN from IRS (.1), Open new bank account and deposit vehicle sale proceeds (.1), Prepare FedEx Label for shipment of check to bank (.1), Trip to FedEx (.1)	0.40 \$185.00/ hr	\$74.00
6/22/2016	ECB	Confer with counsel re outcome at 6-27-16 hearing on motions to lift stay and vacate discharge (.2) Confer with Counsel re review of dox produced by Debtor and issues to look for (.2)	0.40 \$325.00/ hr	\$130.00
6/23/2016	JMM	Cut Debtor Exemption Check (.1), Draft letter to Debtor re: Exemption check (.2)	0.30 \$185.00/ hr	\$55.50
6/23/2016	RKP	Review docket and update notes and information in TR database for TR annual reporting to UST	0.10 \$195.00/ hr	\$19.50
6/28/2016	ECB	Review confirmation of filing of proposed orders by Centimark and memo to counsel re same	0.10 \$325.00/ hr	\$32.50

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6/29/2016	ECB	Confer with counsel and review 2015 regarding potential joint liability for 2015 tax debt (.1) TC with acct re same (.2)	0.30 \$325.00/ hr	\$97.50
7/05/2016	ECB	Process Texas Capital Bank documentation to transfer funds to TR new bank	0.10 \$325.00/ hr	\$32.50
7/05/2016	ECB	Perform 3rd quarter case review for annual reporting requirement for US Trustee office	0.20 \$325.00/ hr	\$65.00
7/06/2016	RKP	Update Trustee database as of 3rd quarter review	0.10 \$195.00/ hr	\$19.50
7/18/2016	ECB	Review and approve June 16 bank statements	0.10 \$325.00/ hr	\$32.50
7/20/2016	JMM	Process June 2016 Bank Statement (.1) Reconcile Bank Statement with TCMS (.1)	0.20 \$185.00/ hr	\$37.00
7/29/2016	ECB	Open, review and approve final Associated Bank statement for July 2016	0.10 \$325.00/ hr	\$32.50
7/29/2016	JMM	Process July 2016 Bank Transfer of Funds Statement (.1) Reconcile Bank Statement with IQ7 (.1)	0.20 \$185.00/ hr	\$37.00
8/10/2016	ECB	Open, review and approve July 2016 Texas Capital Bk Statement	0.10 \$325.00/ hr	\$32.50
8/11/2016	JMM	Process July 16 - Associated Bank Statement (.1), Reconcile Bank Statement with IQ7 (.1)	0.20 \$185.00/ hr	\$37.00
9/14/2016	ECB	Open and review Aug 2016 bank statement (.1) Review and approve reconciliation (.1)	0.20 \$325.00/ hr	\$65.00

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9/15/2016	JMM	Process August 2016 TCB Bank Statement (.1) Reconcile Bank Statement with IQ7 (.1)	0.20 \$185.00/ hr	\$37.00
9/28/2016	JMM	Review claims filed in case and compare with filed schedules, determine validity of claims (.8), Review bill statements for Trustee Matters and General Administration (.6)	1.40 \$185.00/ hr	\$259.00
10/04/2016	JMM	Draft Trustee Fee Application (1.2), Prepare coversheet, proposed order, and affidavit (.3), Prepare TFR (1.1) and NFR (.4), Review and edit Trustee final report package (.6)	3.60 \$185.00/ hr	\$666.00
10/04/2016	JMM	Review case file for information needed to prepare TFR and related documents (.5), Review claims and update system with information needed to prepare TFR and NFR (.8)	1.30 \$185.00/ hr	\$240.50
10/11/2016	RKP	Review case information and pleadings for information needed to prepare interim report (.1); update system information as needed to prepare form 1 and 2 (.4); prepare form 1 and 2 (.1)	0.60 \$195.00/ hr	\$117.00
10/14/2016	ECB	Review Form 1 and 2 reports for annual UST reporting	0.20 \$325.00/ hr	\$65.00
10/18/2016	ECB	Review and revise TR final report package and fee apps	1.00 \$325.00/ hr	\$325.00
10/19/2016	ECB	TC with L. West re whether Estate tax return should be filed (.2) Memo to Debtor re depreciation questions (.1)	0.30 \$325.00/ hr	\$97.50
10/26/2016	RKP	Final review and edit of forms for TIR (.1); prepare forms for filing (.1); efile and email to UST re: same (.1)	0.30 \$195.00/ hr	\$58.50

Total Fees \$6,258.50

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Expenses

<u>Start Date</u>	<u>Description</u>	<u>Quantity</u>	<u>Charges</u>
5/24/2016	Trustee's Motion to Sell Vehicle Filing Fee	1.00 @ /each	\$176.00
5/24/2016	Notice of Hearing on TR's Motion to Sell Vehicle (1 pg x \$.10/pg x 17 parties = \$1.70) + TR's Motion to Sell Vehicle (8 pgs \$.10/pg x 1 party = \$.80) = \$2.50	1.00 @ /each	\$2.50
5/24/2016	Notice of Hearing on TR's Motion to Sell Vehicle (17 notices x \$.465 = \$7.905) + Motion to Sell Vehicle (1 Motion x \$.465 = \$.465) = \$8.37	1.00 @ /each	\$8.37
6/20/2016	Miscellaneous Expense - Title Fees for Sale of Debtor's 2011 Cadillac paid by Trustee	1.00 @ /each	\$95.00
Total Expenses			<u>\$281.87</u>
Total New Charges			<u>\$6,540.37</u>
Previous Balance			\$0.00
Balance Due			<u><u>\$6,540.37</u></u>

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>
Elizabeth C Berg	14.10	\$325.00
Jason M Manola	7.90	\$185.00
Ricki K Podorovsky	1.10	\$195.00
	<u>23.10</u>	

Trustee's Final Fee Application

**James Turnell, Debtor
Case No. 16-08355**

Rule 2016 Affidavit

Exhibit B

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re)	Chapter 7
)	
James Turnell,)	Case No. 16-08355
)	
Debtor.)	Honorable Donald R. Cassling (Geneva)

Trustee's Affidavit Pursuant to Rule 2016

State of Illinois)
County of Cook)

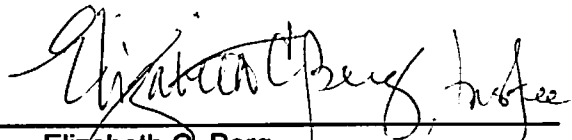
I, Elizabeth C. Berg, being first duly sworn upon oath, do depose and state as follows:

1. I am the duly appointed, qualified and acting successor trustee in this case and I have personal knowledge of the facts set forth herein.

2. I have read the First and Final Application for Allowance and Payment of Compensation and Expense Reimbursement of Elizabeth C. Berg, as trustee ("Application") and all of the factual matters set forth therein are true to the best of my knowledge, information and belief. I or my agents pursuant to my direction performed the services and incurred the expenses set forth and described in the Application.

3. I have not entered into any agreement with any other person or persons for the sharing of compensation or expense reimbursement to be received for services rendered or expenses incurred in connection with this matter, except among the partners and associates of Baldi Berg, Ltd. a law firm at which I have been employed during the pendency of this case. I have not previously received payment of any compensation for services rendered or expense reimbursement for expenses incurred in connection with this case.

4. Further affiant sayeth naught.


Elizabeth C. Berg

Subscribed and sworn to before me
on November 11th, 2016


Notary Public

